

To: Pierard, Kevin[pierard.kevin@epa.gov]; Henry, Timothy[henry.timothy@epa.gov]
From: Hyde, Tinka
Sent: Wed 2/12/2014 10:52:08 PM
Subject: FW: Bennoc Draft Permit

FYI

From: Hyde, Tinka
Sent: Wednesday, February 12, 2014 4:50 PM
To: 'Butler, Craig'
Subject: RE: Bennoc Draft Permit

Craig – Yes, I was able to discuss your questions with my staff. As I recall, you had asked if WET limits and monitoring would be required in the permit for the AEC Bennoc facility in the event the company were to substantially redesign the settling ponds to assure intermittent discharge to surface waters. I want to provide a bit of background for you on this permit so that you can better appreciate where we are coming from. We initially discussed with your staff the need for numeric TDS and sulfate limits based on Ohio water quality standards necessary to protect aquatic life from acute and chronic toxicity. In discussions with your staff OEPA has proposed, in lieu of numeric limits for TDS and sulfate, alternate permit provisions to prevent chronic and acute toxicity. These alternative approaches include permit requirements pertaining to reconstructing the ponds and adaptive management requirements if certain triggering events occur.

While we believe that inclusion of such provisions would be a good step forward, they will not, by themselves, provide sufficient assurance that the discharges will not result in acute or chronic toxicity. That being said, we do believe that these provisions, in conjunction with the additional provisions that our staff have suggested including in the permit would be sufficient for EPA to exercise discretion and not object to a proposed permit based on failure to include numeric TDS and sulfate limits. These additional provisions are as follows: (a) provisions that make clear that all discharges authorized by the permit are subject to the General Effluent Limitations in Part III, Section 2 of the permit; (b) appropriate monitoring requirements for assessing compliance with the General Effluent Limits which, in this case include acute WET monitoring and in-stream low flow conditions monitoring; (c) a prohibition on discharging during low flow conditions; and (d) appropriate, enforceable limitations on the frequency and duration of discharges (no more than 2 days of discharge in any 7-day period). We think that these provisions provide an opportunity for the facility to validate that any redesign is effective.

Please let me know if you would like to discuss this further or would like additional details. We

look forward to continuing to work with you and your staff as soon as the revised draft permit is provided to us so that a final permit decision may be made. Thanks

Tinka G. Hyde

Water Division Director

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From: Butler, Craig [<mailto:Craig.Butler2@epa.ohio.gov>]

Sent: Wednesday, February 12, 2014 12:58 PM

To: Hyde, Tinka

Subject: Re: Bennoc Draft Permit

Tinka

Have you had a chance to discuss this issue with your staff

Sent from my iPhone

On Feb 7, 2014, at 12:17 PM, "Hyde, Tinka" <hyde.tinka@epa.gov> wrote:

Brian - thanks for confirming this. We look forward to working with you on this

permit.

From: Hall, Brian <brian.hall@epa.ohio.gov>
Sent: Friday, February 07, 2014 10:59:23 AM
To: Hyde, Tinka
Cc: Butler, Craig; Fischbein, William; Novak, Paul; Pierard, Kevin
Subject: Bennoc Draft Permit

Tinka

Per your discussion with Director Butler today about the Bennoc NPDEs permit, I would like to confirm that the draft permit submitted to the Region in early January has undergone several revisions since it was submitted. Thus Ohio EPA does not consider the January version as a proposed final permit.

We believe that we are very close to submitting you a proposed final permit, and look forward discussing this with you.

Brian